

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter, which applicants regard as the invention.

Claims 1 and 6 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner contends that the limitation “acute angle”, which is present in claims 1 and 6, is not supported in the specification. Accordingly, the specification has been amended herein to provide support for the limitation “acute angle”. Withdrawal of this rejection is respectfully requested.

Claims 1-3 and 6-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (GB 2,330,979) in view of Holshouser (US 6,249,688). Traversal of this rejection is made for at least the following reasons. The Examiner concedes that Martensson does not disclose an antenna attached to a first case such that the antenna diverges from the longitudinal direction of the case at an acute angle, as recited in independent claims 1 and 6. Accordingly, Holshouser is relied upon in an attempt to make up for the deficiencies of Martensson. However, there is nothing within either Martensson or Holshouser that would have motivated one skilled in the art to make the proposed combination. The Examiner states that it would have been obvious to modify the device of Martensson with the antenna structure of Holshouser “to provide a portable radio device with an increase signal gain and improve signal quality.” Applicants disagree. Col. 1, lines 16-19 of Holshouser, cited by the Examiner as providing motivation for the proposed combination, merely discloses that extending an antenna from a stowed position increases signal gain. Extending an antenna from a stowed position relates to any movement of the antenna away from the body of the portable device, such as a longitudinally translatable and retractable movement, as illustrated in Fig. 7A of Holshouser. Col. 1, lines 56-59 of Holshouser, also cited by the Examiner as providing motivation for the proposed combination, merely states that an object of the invention of Holshouser is to provide a “more robust pivoting antenna configuration with improved signal performance and/or improved reliability over conventional

radiotelephone models.” There is nothing within either of these cited portions of Holshouser that discloses any benefit of positioning or pivoting the antenna to a position that diverges from the longitudinal direction of the telephone body at an acute angle.

Contrary to the Examiner’s contentions, no advantages for the claimed antenna configuration are set forth anywhere within Holshouser. While Figs. 1 and 2 of Holshouser illustrate a configuration in which the antenna 15, 20 diverge from a longitudinal direction of the telephone body 11, there is nothing that teaches or suggests that such a configuration is preferred over a configuration in which the antenna does not diverge from the longitudinal direction of the telephone body. In fact, Holshouser discloses that the primary antenna 20 preferably rotates through about 180-210 degrees from the closed or stow position. (Col. 5, lines 1-4) It is noted that rotating the primary antenna 20 though 180 degrees from the stow position would result in a configuration with no antenna divergence from the longitudinal direction of the telephone body 11.

Further still, Holshouser discloses many other embodiments in which the primary antenna 20 does not diverge at all from the longitudinal direction of the telephone body 11. See, for example, Figs. 6, 6A, 7, 7A, and 7B. Thus, one skilled in the art would have recognized that Holshouser is actually concerned with the coupling of the antennas to the internal operating circuitry of the portable telephones, and not with the angular positioning of the antennas. Martensson, on the other hand, is concerned with providing a radiation shield on a portable telephone to create a barrier between a user’s head and the antenna of the portable telephone. Thus, one skilled in the art, faced with the problems presented in Martensson, would not have been motivated to modify the device of Martensson with the indirect signal path antenna coupling of Holshouser.

For the sake of argument, assuming that one skilled in the art would have been motivated to combine the cited references, the combination would still not have resulted in the configuration recited in independent claims 1 and 6. Martensson discloses a portable telephone 10 in which an antenna 2 extends from a top portion of the telephone housing 7 and a radiation shield 8 also extends from a top portion of the housing 7 to provide a barrier between the user and the antenna 2. As such, if one skilled in the art wanted to modify Martensson to include the

indirect electrical antenna coupling of Holshouser, one would have utilized the embodiment disclosed in Fig. 7A of Holshouser, in which the antenna 20 extends and retracts in a translational manner and does not diverge from the longitudinal direction of the case 11. To use the embodiment described with respect to Figs. 1 and 2 of Holshouser would have rendered the invention of Martensson useless, as the antenna would be allowed to pivot forwardly of the radiation shield.

For at least the reasons discussed above, Applicants submit that there is nothing within Martensson, Holshouser, or one skilled in the art at the time of the present invention that would have suggested the combination proposed by the Examiner. Further, even if such a combination were made, Applicants submit that the invention as set forth in claims 1 and 6 would not have resulted. Withdrawal of this rejection is requested.

Claims 4-5 and 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (GB 2,330,979) in view of Holshouser (US 6,249,688), and in view of Tran (US 6,215,454). Traversal of this rejection is made for at least the following reasons. Tran does not make up for the deficiencies of Martensson and Holshouser with respect to claims 1 and 6, as discussed above. Like Martensson, Tran discloses an antenna that extends in a direction substantially parallel with a longitudinal direction of the first case. Claims 4, 5, 9, and 10 depend from claims 1 and 6. Thus, the combination of Martensson, Holshouser, and Tran does not render obvious claims 4, 5, 9, and 10. Accordingly, withdrawal of this rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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Amdt. Dated November 10, 2005  
Reply to Office action of August 12, 2005

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33798.

Respectfully submitted,  
PEARNE & GORDON LLP

A handwritten signature in black ink, appearing to read 'Una L. Lauricia', is written over a horizontal line.

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